

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

ELIZABETH GOSSER

VS

NORTH SHORE GAS COMPANY

Complaint as to gas bill, meter
reading in Lake Forest, Illinois.

Chicago, Illinois

February 13, 2002

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MS. ELIZABETH GOSSER
1561 Minthaven Road
Lake Forest, Illinois 60045
appearing pro se;

MR. TIMOTHY P. WALSH
130 East Randolph Drive, 23rd Floor
Chicago, Illinois 60601
appearing for the Respondent.

SULLIVAN REPORTING COMPANY, by
Giraida B. Bordabeheres, CSR

1		<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>	
2	<u>Witnesses:</u>	<u>Direct</u> <u>Cross</u> <u>direct</u> <u>cross</u>	Re- Re- By <u>Examiner</u>
3	None.		
4			
5			
6			
7		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>	
8	<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
9		None marked.	
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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 01-0667. This is a complaint by Elizabeth Gosser
4 versus North Shore Gas Company as to a bill and
5 meter reading in Lake Forest, Illinois.

6 Mr. Walsh for North Shore, would you
7 please enter an appearance for the record.

8 MR. WALSH: On behalf of North Shore Gas Company,
9 Timothy P. Walsh, 130 East Randolph Drive, 23rd
10 Floor, Chicago, Illinois 60601.

11 JUDGE RILEY: Thank you. And, Ms. Elizabeth
12 Gosser, you are proceeding without an attorney; is
13 that correct?

14 MS. ELIZABETH GOSSER: Yes.

15 JUDGE RILEY: And someone who has been speaking
16 for you largely today is...

17 MS. MARGARET LANG: Margaret Lang.

18 MS. ELIZABETH GOSSER: My sister.

19 MS. MARGARET LANG: Margaret Lang, L-a-n-g.

20 MR. WALSH: Judge, I want to make a continuing
21 objection that the rules only allow the complainant
22 or an attorney to represent the complainant in legal

1 matters in front of the Commission and --

2 MS. MARGARET LANG: I would like to stipulate --

3 JUDGE RILEY: Ms. Lang, can I interrupt? I'm

4 going to put an end to that right now. Let him

5 speak and you will have your turn to respond.

6 MR. WALSH: -- and her sister is not an attorney,

7 she should not be allowed to represent the

8 complainant in front of the Commission.

9 JUDGE RILEY: And Ms. Lang, what is your response

10 to that?

11 MS. MARGARET LANG: My sister cannot afford an

12 attorney. And she is by law allowed to name someone

13 to represent her. There is no difference between my

14 presenting these facts which would be the same

15 presented by an attorney if she could afford one.

16 JUDGE RILEY: Didn't you also allege earlier that

17 the complainant has health problems?

18 MS. MARGARET LANG: Yes.

19 JUDGE RILEY: And you said it was a --

20 MS. MARGARET LANG: She has had a nervous

21 breakdown. She has been harassed over the telephone

22 repeatedly.

1 MR. WALSH: Objection, Judge.

2 MS. MARGARET LANG: She has been threatened with

3 discontinuance of service.

4 JUDGE RILEY: Strike those remarks. Strike the

5 remarks with regard to the harassment.

6 MS. MARGARET LANG: They're true.

7 JUDGE RILEY: Mr. Walsh, for our purposes at

8 least for today, I'm going to permit Ms. Lang to

9 speak for Ms. Gosser taking into account the health

10 problems.

11 Ms. Lang, I do admonish you you're

12 going to have to calm down. I understand you're

13 angry, I understand that there's a considerable sum

14 of money at stake here.

15 MS. MARGARET LANG: Your name, sir?

16 JUDGE RILEY: My name is -- I'm Judge John T.

17 Riley.

18 MS. MARGARET LANG: Mr. Riley, her husband is a

19 total invalid. He has had three major surgeries or

20 more. He is unable to talk or go downtown. My

21 sister has that burden on her plus being threatened

22 with discontinuance of service while this matter is

1 pending. Nobody has addressed these points;
2 explained them, nobody. Not from the first time we
3 contacted People's Gas to get an explanation.

4 JUDGE RILEY: Now, were those same things that
5 you had me look at just a moment ago?

6 MS. MARGARET LANG: Right.

7 MR. WALSH: Judge --

8 MS. MARGARET LANG: That is the crux of the
9 problem. It is not the fact that no payment has
10 been made because she has used gas since then. That
11 is --

12 JUDGE RILEY: Let me interject here. We are at
13 the point where there was a signed stipulation and
14 motion to dismiss by Mr. Walsh on behalf of North
15 Shore Gas and by Elizabeth Gosser which effectively,
16 it was our understanding, on December 20 resolved
17 this entire matter.

18 Mr. Walsh, you had contacted me by
19 voicemail a couple of days ago and advised me that
20 Ms. Gosser wanted to renig on the settlement for
21 reasons that you said which she would explain
22 herself.

1 It has become my understanding that,
2 Ms. Gosser, you believe that Mr. Walsh
3 misrepresented what the settlement was about insofar
4 as you thought that the account balance in this
5 matter was going to be reduced to zero.

6 MS. ELIZABETH GOSSER: Right.

7 JUDGE RILEY: To a zero sum.

8 MS. ELIZABETH GOSSER: Right.

9 JUDGE RILEY: And instead you still received a
10 bill on an amount due plus your regular bills after
11 that.

12 MS. ELIZABETH GOSSER: Right.

13 JUDGE RILEY: All right. Mr. Walsh, for me to
14 get a coherent understanding of how Ms. Gosser
15 thinks matters were misrepresented, would you be
16 willing to disclose on the record what the original
17 settlement agreement was?

18 MR. WALSH: I will, Judge, but I just want the
19 complainant to say for the record that she doesn't
20 object to the disclosing --

21 JUDGE RILEY: Do you have any objection to
22 disclosing what the original settlement agreement

1 was?

2 MS. MARGARET LANG: No original settle was ever
3 mentioned.

4 JUDGE RILEY: Ma'am, the whole basis of this is
5 that there was a settlement and it was misunderstood
6 by one party or the other. Now, is it all right for
7 Mr. Walsh to disclose what the terms of that
8 original settlement agreement were from People's
9 Gas' standpoint?

10 MS. MARGARET LANG: How can we agree yes or no?
11 We don't know what the settlement was.

12 MR. WALSH: I'm just asking --

13 MS. MARGARET LANG: It wasn't mentioned.

14 MR. WALSH: Can I tell you what I think the
15 settlement was? Not that you agreed to it --

16 MS. MARGARET LANG: We were in here and there was
17 nothing --

18 JUDGE RILEY: Let me phrase the question again.
19 Can Mr. Walsh disclose from North Shore Gas
20 Company's standpoint what they thought the
21 settlement agreement was?

22 MS. MARGARET LANG: He can do that.

1 JUDGE RILEY: Okay.

2 MS. MARGARET LANG: That doesn't mean that we're
3 going to agree with it.

4 JUDGE RILEY: No, not suggesting any such thing.
5 Mr. Walsh, please.

6 MR. WALSH: Judge, following the status hearing
7 that was -- you held I believe it was in October or
8 November of 2001, I met with the complainant and her
9 two sisters, in fact, in this same hearing room and
10 we discussed the complaint and I asked the
11 complainant what she was looking for in order to
12 settle and she told me that if the company credit
13 her \$400, she would be willing to settle the
14 complaint, or I believe she did.

15 At that time the balance on her account
16 was \$805.90.

17 MS. MARGARET LANG: Which was never discussed.

18 MR. WALSH: Subsequent to that date, I forwarded
19 in an envelope a cover letter that explained the
20 terms which the complainant I will say has said off
21 the record she never got that was in the envelope.
22 The bill that showed the adjustment \$400 leaving a

1 total balance of 486.94, a check for \$5 to cover the
2 cost of the notary, the stipulation and joint motion
3 which I had executed on behalf of the company, an
4 affidavit which I had executed and had been
5 notarized and an affidavit for Mrs. Gosser to
6 execute and have notarized.

7 That letter was sent on December 10th
8 and about a week later I received back in the mail
9 the signed stipulation and joint motion and the
10 signed affidavit which was notarized a complete set
11 of the document which on December 20th I filed
12 through E-Docket with the Commission. I believe at
13 that point the settlement was made.

14 Subsequent to that date Ms. Gosser and
15 I had several conversations because she had inserted
16 in the envelope a check for the balance on the bill,
17 the adjusted bill that I had sent her that was for
18 \$486.94 sent and we must -- we didn't realize it was
19 in the envelope and must have thrown it out with the
20 envelope because we weren't expecting payment. And
21 we had several conversations to assure that we
22 didn't cash the check, and I believe that we were --

1 thought we were waiting to get payment and then I
2 believe it was Monday or Tuesday the complainant
3 called me and said that she felt that the bills were
4 wrong and that she thought we were going to make
5 her -- take the whole balance off, the whole 805.90.
6 And because of that she did not -- wanted to come to
7 the hearing today and withdraw her stipulation of
8 joint motion to dismiss.

9 JUDGE RILEY: How much was in that check that you
10 said was sent to you?

11 MR. WALSH: It was -- correct -- it was for
12 \$486.94 but we never -- either it wasn't in the
13 envelope or we threw the envelope out with the check
14 in it. We weren't expecting a check and we might
15 have just thrown it out without realizing it was in
16 the envelope.

17 But we have checked and Mrs. Gosser
18 has verified that the check never was cashed. I
19 told her to wait and make sure she got a couple of
20 bank statements before she sent another one.

21 JUDGE RILEY: So what you're saying is you never
22 actually saw the check for 486.94 --

1 MR. WALSH: No, sir.

2 JUDGE RILEY: -- but Mrs. Gosser insisted that

3 they had sent it to you?

4 MR. WALSH: Yes, she did.

5 Judge, I give you a copy of the

6 information that I told you that I believe we sent.

7 MS. MARGARET LANG: May I say something now?

8 JUDGE RILEY: Well, let me make a couple of more

9 notes and we'll get to you very shortly.

10 So in other words there was a \$400 --

11 the \$400 reduction from North Shore Gas' standpoint

12 it was a \$400 reduction.

13 MR. WALSH: That's correct.

14 JUDGE RILEY: I'm just working these numbers.

15 You said there was an original balance of 805?

16 MR. WALSH: At that point the balance was 805.

17 MS. MARGARET LANG: Excuse me. At the time we

18 talked here, the balance was not \$805. It wasn't.

19 Here is the proof.

20 MR. WALSH: Judge, the outstanding balance on the

21 bill at the time -- and I have a copy, I just gave

22 you --

1 MS. MARGARET LANG: We were in this hearing the
2 end of October. There was no way that she --
3 anybody could know what the balance was going to be
4 in December.

5 JUDGE RILEY: Okay. It was -- you're starting
6 out with an \$805 balance.

7 MR. WALSH: That's correct.

8 JUDGE RILEY: The complainant was willing to
9 settle -- from North Shore's standpoint they were
10 willing to settle for a \$400 reduction in the bill?

11 MR. WALSH: Yes, sir.

12 JUDGE RILEY: And then was it just subsequent
13 usage and interest was the balance ended up 486.94?

14 MR. WALSH: That's correct.

15 MS. MARGARET LANG: And that was supposed to be
16 the zero balance.

17 MS. ELIZABETH GOSSER: No, your Honor. Sir --

18 JUDGE RILEY: Hold it. Now, Mrs. Gosser, what
19 we've agreed to is that Ms. Lang is going to speak
20 for you. And it's for the court reporter's
21 convenience too. She cannot take down two voices at
22 the same time.

1 Ms. Lang, it is -- you've heard what
2 North Shore has said was their understanding of the
3 settlement agreement, and you're maintaining that --
4 you still maintain that the settlement agreement
5 from your standpoint was that the -- the balance on
6 that account was going to be reduced to zero.

7 MS. MARGARET LANG: Right. Absolutely.

8 JUDGE RILEY: That there would be no money due or
9 owing at all.

10 MS. MARGARET LANG: Absolutely.

11 JUDGE RILEY: And that you would start from that
12 particular point --

13 MS. MARGARET LANG: And that these points were
14 going to be taken into consideration. These points
15 which have never been -- that has never been done.

16 MR. WALSH: Judge, could I be allowed to ask a
17 question?

18 JUDGE RILEY: Yes.

19 MR. WALSH: Could you just tell me, Mrs. Lang,
20 because the only time we've conversed was in this
21 meeting here, did I ever say or did anybody ever ask
22 to bring the balance to zero? We never had a

1 subsequent conversation, so it had to be that day?

2 MS. ELIZABETH GOSSER: But, your -- Mr. --

3 MR. WALSH: She's saying that I misrepresented

4 and I said the balance would go to zero.

5 MS. MARGARET LANG: Right.

6 MR. WALSH: We need to know when -- the only time

7 I've spoken to your sister is in this room following

8 the hearing. And I don't believe that was ever

9 mentioned or discussed.

10 MS. MARGARET LANG: That's the basis on which she

11 agreed.

12 MR. WALSH: Okay.

13 JUDGE RILEY: Ms. Lang, are you also stating that

14 as a result of the settlement agreement and the

15 negotiations that occurred that these particular

16 point that you've referred to, those were going to

17 be also addressed?

18 MS. MARGARET LANG: Right. This is her copy.

19 JUDGE RILEY: Counsel, do you have a copy of

20 this?

21 MR. WALSH: I don't unless this is a new document

22 or and old one.

1 MS. MARGARET LANG: Mr. Walsh has received a copy
2 of this sheet, but not this one.

3 MS. ELIZABETH GOSSER: You can give that to him.

4 JUDGE RILEY: Let me make sure both were -- both
5 of these copies are the same thing.

6 MS. MARGARET LANG: Here's a copy for Mr. Walsh.

7 MR. WALSH: Judge --

8 JUDGE RILEY: This is what they're talking about.

9 MR. WALSH: Thank you. Judge --

10 MS. MARGARET LANG: Those have never been
11 addressed and corrected.

12 MR. WALSH: Judge, if I would be allowed to say a
13 couple things.

14 As you know in this process, the
15 purpose of trying to settle it is so that the issues
16 are resolved and the time and energy taken to go
17 through all of the issues that either side might
18 have is saved; the cost, time and the energy. When
19 the company made the settlement agreement, it was
20 with the understanding that all issues were resolved
21 and that there wouldn't be any analysis or
22 evaluation of different positions on what the exact

1 amount was.

2 More importantly, and I am concerned
3 about the way this is going is the complainant has
4 not paid a bill to the company since March 22nd of
5 2001. Now, as of December according to the
6 company's records the outstanding balance was about
7 \$800, of which the company agreed to reduce in half.
8 The result of going through an evidentiary hearing
9 is going to at the very least require the company --
10 the complainant to pay what the usage was during
11 that whole -- now it's been a year period.

12 And regardless of any billing errors or
13 alleged billing errors which the company does not
14 believe were actually effected the balance, there's
15 going to be a payment made and the result we don't
16 believe could possibly be better than the settlement
17 we've made with the complainant.

18 And I just want to make one other point
19 because of things that were said off the record so
20 the complainant understands. Under Part 280 of the
21 Rules, the complainant is required to pay either the
22 prior year's cost for the undisputed balance of any

1 bill or they're still subject to termination. And
2 this complainant hasn't paid any money to the
3 company in almost a year. So I'm not suggesting she
4 doesn't have a right to her day in court or that she
5 doesn't have a right to try to argue that the
6 company made a wrong, but she still has to follow
7 the rules as we do and, you know, pay the undisputed
8 portion.

9 MS. MARGARET LANG: Mr. Riley?

10 JUDGE RILEY: Yes.

11 MS. MARGARET LANG: The portion that she's liable
12 for since this is based on erroneous figures that
13 have continued from the time listed on that
14 highlight sheet.

15 MS. ELIZABETH GOSSER: The meter readings.

16 MS. MARGARET LANG: How can she pay a balance
17 when the foundation is wrong?

18 JUDGE RILEY: Ms. Lang, you have to prove that.

19 MS. MARGARET LANG: Right here. Here's proof
20 from the bills.

21 JUDGE RILEY: It doesn't --

22 MS. MARGARET LANG: From the bills that she has

1 received. These are facts.

2 MS. ELIZABETH GOSSER: Bogus.

3 MS. MARGARET LANG: We have already submitted

4 copies of the actual bills that she received which

5 highlight, which prove these points. She is not

6 guessing at this or trying to get anything. She is

7 fully determined to pay her legitimate bills, but

8 not bogus bills.

9 MR. WALSH: Judge, I have to go back to the same

10 point I tried to make earlier --

11 MS. MARGARET LANG: Yes, because this has never

12 been addressed.

13 JUDGE RILEY: Let me hear from Mr. Walsh.

14 MR. WALSH: I have to go -- try to keep coming

15 back to the same point I made earlier because of the

16 advice that the complainant, I believe, is getting

17 and there was usage --

18 MS. MARGARET LANG: Because you continued to

19 ignore these valid points.

20 MR. WALSH: Judge --

21 MS. MARGARET LANG: Errors. Errors.

22 MS. ELIZABETH GOSSER: Jumps.

1 MR. WALSH: Judge --

2 MS. MARGARET LANG: Valid errors.

3 MR. WALSH: Judge, there was usage --

4 MS. MARGARET LANG: And it can be proved from the
5 actual bills that she has.

6 MR. WALSH: Judge, there was usage during the
7 year. There's a heating plant, there's a hot water
8 heater and when it's all said and done regardless of
9 how the bills were -- there's going to be a bill to
10 be paid. And --

11 MS. MARGARET LANG: She only -- she doesn't cook
12 with gas.

13 MR. WALSH: If she listens to the advice of her
14 advisor and gets her day in court, I just want her
15 to understand that she could very well end up paying
16 the whole amount of the complaint.

17 MS. ELIZABETH GOSSER: But, Judge, there are
18 jumps on here.

19 JUDGE RILEY: Right. I understand.

20 MS. MARGARET LANG: These are facts.

21 MS. ELIZABETH GOSSER: I have the bill.

22 MS. MARGARET LANG: Which he is continuing to

1 ignore.

2 JUDGE RILEY: The basis -- the underlying basis
3 of your complaint are these erroneous meter
4 readings.

5 MS. MARGARET LANG: Right.

6 MS. ELIZABETH GOSSER: Right. On the same day it
7 jumped.

8 JUDGE RILEY: Right. Ms. Gosser, Ms. Lang is
9 speaking for you.

10 MS. MARGARET LANG: Right.

11 JUDGE RILEY: I understand. And you're saying
12 that this is the --

13 MS. MARGARET LANG: The highlighted --

14 MS. ELIZABETH GOSSER: Highlighted.

15 MS. MARGARET LANG: -- facts.

16 MR. WALSH: Judge, I just want again to make it
17 clear, I'm not trying to ignore any facts that
18 anybody's giving me. I'm trying to proceed through
19 the process the way it's a time-honored code that
20 when the parties agree to a settlement, it's to
21 settle the issues without spending the time and
22 energy of going through an argument on all the

1 facts. That was the purpose of the settlement. It
2 wasn't --

3 MS. MARGARET LANG: Here is a letter that we
4 wrote to Mr. Schmoldt dated July which highlighted
5 these points and they have never been explained or
6 addressed.

7 MR. WALSH: And --

8 MS. MARGARET LANG: In July. That's one.

9 MR. WALSH: Judge, what I'm trying to say is --

10 MS. MARGARET LANG: What he's trying to do is the
11 same thing he's doing all the time, slick talk.

12 JUDGE RILEY: Ma'am --

13 MS. MARGARET LANG: And ignoring.

14 JUDGE RILEY: All right. Strike that.

15 MR. WALSH: I object.

16 JUDGE RILEY: Strike that remark.

17 MR. WALSH: What I'm trying to say and I don't
18 know how to make the point being that I can't --

19 MS. MARGARET LANG: Oh, you make your point real
20 well.

21 MR. WALSH: Judge --

22 MS. MARGARET LANG: Slick talk.

1 JUDGE RILEY: Ms. -- again, strike that.

2 MR. WALSH: Judge, is that the company is not --

3 is attempting to resolve the issue without having to

4 delve into all the issues and facts they want to

5 raise. That's the purpose of the settlement. And I

6 don't think the other side understands that.

7 JUDGE RILEY: I don't want to see that.

8 MS. MARGARET LANG: From --

9 JUDGE RILEY: No, that's a newspaper article.

10 That's --

11 MS. MARGARET LANG: It's the truth.

12 JUDGE RILEY: Now, here's where we are.

13 Mr. Walsh, the only question I have: When this

14 December 10 letter was sent to Ms. Gosser, is that

15 just regular mail or is it sent -- oh, it was sent

16 by UPS?

17 MR. WALSH: I believe we sent it UPS and we know

18 that at least the envelope was received because she

19 signed the stipulation and affidavit and sent it

20 back to me.

21 JUDGE RILEY: Right. That's what I'm looking at

22 here. And that was attached to the letter.

1 MR. WALSH: I believe that it was, yes.

2 JUDGE RILEY: Okay. So under any circumstances

3 she got the stipulation and joint motion for

4 dismissal.

5 Ms. Gosser, I would have to ask you is

6 that your signature?

7 MS. ELIZABETH GOSSER: Yes.

8 JUDGE RILEY: It is? Okay. So you did receive

9 this?

10 MS. ELIZABETH GOSSER: Yeah.

11 JUDGE RILEY: Okay. Here's where we are. The

12 first decision I have to make and I'm not going to

13 make it right now. But the first decision that I

14 have to make is whether or not this matter can even

15 proceed based upon what I've heard here today.

16 We do have what I consider to be a

17 valid signed stipulation and joint motion to

18 dismiss. You dispute the underlying basis of that

19 agreement --

20 MS. MARGARET LANG: Yes.

21 JUDGE RILEY: -- saying that you believe that

22 Mr. Walsh was not forthcoming in --

1 MS. MARGARET LANG: Yes.

2 JUDGE RILEY: -- in the terms and that you
3 understood something else entirely by the meaning of
4 settlement agreement.

5 MS. MARGARET LANG: Yes.

6 JUDGE RILEY: Both parties have stated their
7 cases at lengths and I have to make a decision as to
8 whether or not as to whom I believe.

9 Ms. Lang, I will tell you that if you
10 are going to continue to represent your sister
11 because of her health problems, you're going to have
12 to calm down. You cannot be making personal
13 disparaging remarks about counsel for North Shore.
14 There is no basis for that. He has a client to
15 represent and I think that he has acted at all times
16 in this matter in a very fair and equitable manner.

17 So that's -- I want you to tone down
18 the rhetoric and calm down. That's not how
19 proceedings are held here. I'm not going to close
20 this record today either. I can't do that but I am
21 going to advise the parties that I am going to be
22 out of the country for two weeks beginning Saturday

1 and I won't be back until the middle of the first
2 week in March, the 7th to be exact. And what I
3 would like to do is it will give me some time to
4 look this matter over and decide whether or not it
5 can proceed in light of the signed settlement
6 agreement.

7 MS. ELIZABETH GOSSER: Your Honor, I just to -- I
8 can remember that he called me and then he said he
9 wanted 586.

10 JUDGE RILEY: Okay. That's a wrinkle I'm not
11 prepared to deal with right now.

12 MS. MARGARET LANG: What he says you have to have
13 in writing.

14 MS. ELIZABETH GOSSER: Right. Well, he called me
15 on the phone.

16 JUDGE RILEY: I understand that. What I want to
17 do then is first of all I want the parties -- just
18 to kind of back up, I want to assess some of this
19 information. And inasmuch as I'm not going to close
20 the record today, we're going to have to have
21 another date, but I'm going to set it for a status.
22 We will not be going to hearing.

1 MS. MARGARET LANG: Sir, could you make it for a
2 little bit later in the day, not 10:00 o'clock in
3 the morning?

4 JUDGE RILEY: All right. Would an afternoon
5 hearing be a little bit more --

6 MS. MARGARET LANG: It would be easier on all of
7 us.

8 JUDGE RILEY: Any objection to that?

9 MR. WALSH: No objection.

10 JUDGE RILEY: In that case, I can move it up a
11 few days.

12 MS. MARGARET LANG: March should be all right.
13 Weather-wise should be okay.

14 JUDGE RILEY: Look at March 12.

15 MR. WALSH: Judge, there's a Commission Gas
16 Policy Committee meeting on the 12th.

17 JUDGE RILEY: Okay. How about the 14th?

18 MS. ELIZABETH GOSSER: Sir, I think my husband
19 has an appointment down at the University of Chicago
20 on the 12th.

21 JUDGE RILEY: The 12th is out. Nobody can make
22 the 12th. Look at the 14th.

1 MR. WALSH: 14th is good for North Shore Gas.

2 JUDGE RILEY: March 14th? And if I were to set

3 it at 2:00 p.m. would that be...

4 MS. MARGARET LANG: Fine.

5 JUDGE RILEY: That would be better? All right.

6 MR. WALSH: That's fine.

7 JUDGE RILEY: And that, again, is a status, so I

8 will not be taking evidence that day. And as I

9 said, my next step in this matter is decide whether

10 or not this thing is going to proceed beyond this

11 point insofar as I do have a signed stipulation and

12 motion to dismiss.

13 MS. MARGARET LANG: Between this time and that

14 time does that mean that you would have time to

15 check into those highlights that I've -- this

16 (indicating)?

17 JUDGE RILEY: No, ma'am. I can't seem to make

18 you understand that it's not my job to do the

19 investigation. I take evidence. Someone else is

20 going to have to do this investigation and then

21 present it to me in a formal evidentiary hearing.

22 That's the way that would work.

1 MS. MARGARET LANG: And when will that happen?

2 JUDGE RILEY: Well, that's going to happen after

3 the next status. Like I said, I've got to decide

4 whether or not we're even going to proceed insofar

5 as I've got a stipulation and motion to dismiss

6 signed by the complainant as well as North Shore and

7 whether or not there are any grounds; whether or not

8 you have any basis for believing that there was a

9 misrepresentation in this thing.

10 MR. WALSH: Judge --

11 JUDGE RILEY: In the meantime --

12 MS. MARGARET LANG: That means it's our word

13 against his?

14 JUDGE RILEY: We'll you've alleged -- you've made

15 an allegation, he disputes it. I have to decide.

16 MR. WALSH: Judge, just so I'm clear on the

17 record, your next step is to -- what's happened here

18 today is the complainants made a motion to withdraw

19 its stipulation joint motion, correct?

20 JUDGE RILEY: Right.

21 MR. WALSH: And respondents objected to the

22 motion.

1 JUDGE RILEY: Right.

2 MR. WALSH: And it's your intent to rule on the
3 motion and the objection at the next status hearing
4 or prior to the next status hearing?

5 JUDGE RILEY: I'm hoping that I will deal with it
6 prior to the next status hearing. Depending on how
7 I rule it may obviate the need for a status.

8 MR. WALSH: And I just want to make sure that's
9 clear only because of what something Mrs. Lang asked
10 you. If you decided that the -- deny the motion to
11 withdraw the stipulation, there will be no
12 evidentiary hearing in this case; is that correct.

13 JUDGE RILEY: That would logically follow, that's
14 right. But, again, that's an if. I haven't made
15 any decision at this point.

16 MS. MARGARET LANG: And if that should happen as
17 he just outlines, does that mean we have no
18 recourse?

19 JUDGE RILEY: Well, that's not necessarily true.

20 MS. MARGARET LANG: We do have recourse?

21 JUDGE RILEY: I would have to present that to the
22 Commission and they would make the ultimate

1 decision.

2 MS. MARGARET LANG: The recourse?

3 JUDGE RILEY: Exactly.

4 MS. MARGARET LANG: And --

5 JUDGE RILEY: Your recourse would be to request
6 either a rehearing or to refile this matter as a new
7 complaint. So, yes, you do have recourse.

8 Is there any hope of you getting legal
9 counsel at all on this?

10 MS. MARGARET LANG: She has just been --

11 MS. ELIZABETH GOSSER: We have so much medical.

12 MS. MARGARET LANG: -- through a terrible lawsuit
13 against her husband and it has cost her even her
14 Social Security money that they're living on.

15 JUDGE RILEY: Okay.

16 MS. MARGARET LANG: She cannot afford a lawyer.

17 JUDGE RILEY: All right. I understand.

18 MS. MARGARET LANG: We have been turned away by
19 any legal public defender or aide because she owns a
20 house which her husband has been building for ten 10
21 years or more. Bit by bit. They think she's
22 wealthy.

1 JUDGE RILEY: Okay.

2 MS. MARGARET LANG: He has had three or -- how
3 many operations?

4 MS. ELIZABETH GOSSER: Seven.

5 MS. MARGARET LANG: Hip operations which were
6 botched and they're now trying to get him admitted
7 to the university for a test program that would
8 repair the damage done.

9 MS. ELIZABETH GOSSER: A revision of his leg.

10 MS. MARGARET LANG: She cannot afford a lawyer.

11 JUDGE RILEY: I understand that.

12 MS. MARGARET LANG: She has been paying her bills
13 all along with no question until she got these
14 outrages bills and she said I know that the cost
15 went up last winter, but I started looking at her
16 bills and I said wait a minute. This is not a
17 question of the increase in rates that everybody has
18 to pay. This is actual errors. Proof of her bills
19 right here.

20 JUDGE RILEY: Is it --

21 MS. MARGARET LANG: Actual errors.

22 JUDGE RILEY: Is it accurate for me to say that

1 the complainant is living on a fixed income?

2 MS. MARGARET LANG: Yes.

3 MS. ELIZABETH GOSSER: Absolutely.

4 MS. MARGARET LANG: Absolutely. Even her Social
5 Security money and her husband's veteran benefits
6 have been frozen and turned over to this lawyer.

7 JUDGE RILEY: To what?

8 MS. MARGARET LANG: In Waukegan who did some --
9 about some done on her house.

10 JUDGE RILEY: I mean, have these wages -- have
11 they been garnished.

12 MS. MARGARET LANG: Not wages.

13 JUDGE RILEY: I don't mean wages, but I mean --

14 MS. MARGARET LANG: Yes.

15 JUDGE RILEY: They have been garnished?

16 MS. MARGARET LANG: Yes. They have been turned
17 over to the attorney. It's a clear case of fraud
18 because he forged her signature and her husband's
19 signature. I don't know what she's living on.

20 JUDGE RILEY: All right.

21 MS. MARGARET LANG: And then she has to go
22 through this harassment.

1 JUDGE RILEY: Again, strike that -- the word
2 harassment. This is not harassment, ma'am.

3 MS. MARGARET LANG: Not here.

4 MS. ELIZABETH GOSSER: It's the bogus billings,
5 your Honor. It's the jumps from one month to --

6 MS. MARGARET LANG: Which nobody will address.

7 MR. WALSH: I just want to make sure one thing's
8 understood. My conversations since the last hearing
9 have been exclusively with the complainant Mrs.
10 Gosser. If there's continuing conversation since
11 Mrs. Lang isn't an attorney, I expect under the
12 rules that I still continue to have my conversations
13 with Ms. Gosser.

14 JUDGE RILEY: Okay.

15 MR. WALSH: I mean, it's --

16 MS. MARGARET LANG: Mr. Riley --

17 MR. WALSH: I keep hearing about things I've said
18 and things I've done and I've never even spoken to
19 Mrs. Lang since the last day we were here.

20 MS. MARGARET LANG: Even -- we even went to the
21 Waukegan office to try to get this resolved and the
22 person up there was a whistle blower admitted that

1 these were wrong. So she called her supervisor and
2 the supervisor almost literally threw us out of his
3 office. That has been the crux of this whole
4 problem. It's not a question of her refusing to pay
5 legitimate charges.

6 JUDGE RILEY: Let me go back to something, what
7 Mr. Walsh just said. Who is he dealing with when
8 he --

9 MS. MARGARET LANG: He calls her.

10 JUDGE RILEY: He calls her and yet --

11 MS. MARGARET LANG: I don't live with her. I
12 live in Chicago.

13 JUDGE RILEY: -- you're the spokesperson. Should
14 he be calling you is my question if there are any
15 further conversations to be had?

16 MS. MARGARET LANG: He can call me.

17 MR. WALSH: I object to that, Judge. She's not
18 an attorney, she can't represent her. I don't feel
19 like I should have to deal with --

20 MS. MARGARET LANG: Yes, I can represent her.

21 JUDGE RILEY: Well, let's back off of that.

22 MS. MARGARET LANG: I don't have an answering

1 machine, so if he calls and I'm not there, he just
2 has to keep on trying.

3 JUDGE RILEY: Well, as he said, he's going do
4 deal with the complainant, that's Ms. Gosser on the
5 complaint form.

6 But here's where we are.

7 MS. MARGARET LANG: Her health doesn't permit
8 her.

9 JUDGE RILEY: I understand that and it's creating
10 a difficult situation here and I'm not
11 unsympathetic, but we have to proceed as best we
12 can.

13 Here's where we are. We've obviously
14 reached an impasse. You understood one thing by the
15 settlement agreement, North Shore Gas understood
16 something entirely different. I have to make a
17 decision.

18 MS. ELIZABETH GOSSER: Your Honor, I thought when
19 somebody says it's a settlement, that meant it
20 clears everything and that -- that's what I thought.
21 That's the way I understood it.

22 JUDGE RILEY: I fully expect to make a decision

1 prior to the time we meet for the next status and
2 when I do, that decision will go to Mrs. Gosser. It
3 will be mailed to Ms. Gosser from our Clerk's Office
4 and it will state whether or not we are going to
5 proceed past the point we are at right now.

6 MS. MARGARET LANG: Will the letter say that or
7 will we have to have another meeting here?

8 JUDGE RILEY: I'm sorry?

9 MS. MARGARET LANG: Will the letter state that or
10 will there be another meeting here?

11 JUDGE RILEY: No, the letter -- whatever ruling I
12 make will be -- I'm not 100 percent sure what it
13 is -- the ruling that I make will be sent to you and
14 it will state whether or not we are going to proceed
15 to another hearing. That's --

16 MS. MARGARET LANG: And at that point if the
17 ruling is against her, she has recourse.

18 JUDGE RILEY: Right, she can file for a
19 rehearing, she can -- or file a new complaint. What
20 it -- if the ruling is adverse to you, you're going
21 to have a chance to response under any
22 circumstances.

1 What I'll do -- let me backtrack here.

2 Counsel, what I think is going to happen is that if
3 possible, I may end up sending out a proposed order.

4 MR. WALSH: Whatever you think is right, Judge.
5 We'll be happy to respond to whatever you decide.

6 JUDGE RILEY: And if I do send out the proposed
7 order to whoever is the adverse recipient of that
8 order, if it's against your position, then you would
9 be entitled and you would be instructed how to send
10 exceptions to me telling me where you think I've
11 made a mistake.

12 And after I receive the exceptions and
13 replies from the other side, then I will send an
14 order to the Commission. It may be the same
15 decision or it may be a different decision depending
16 on what I learn from you. Then the Commission will
17 make a final order one way or the other.

18 And at that point, you would have
19 recourse. You could either refile your complaint or
20 request a rehearing in the matter. But this will
21 all be explained to you as we go along in this
22 process. So that's where we are right now. Under

1 any kind of circumstances, I'm going to continue
2 this matter to March 14 at 2:00 p.m. and we may or
3 may not reconvene at that time.

4 (Whereupon, the above-entitled
5 matter was continued to
6 March 14, 2002 at 2:00 p.m.)

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